

Public Law 109-13
109th Congress
May 11, 2005

REAL ID ACT OF 2005

Real ID Section 206 Repealed

- Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458)
 - Section 7212 contained provisions for a Negotiated Rules Making Advisory Committee between the Department of Transportation and the States regarding minimum standards for state-issued driver licenses and personal identification cards.
 - Alabama was one of five states selected to serve on this committee. The committee met only once.

Understanding the REAL ID ACT

- *Akin to understanding the concept of New Math.*
- *Question – 25 divided by 5 = ?*



New Licenses / Renewals

- *Effective May 2008*
- *Lost / Stolen & Replacement Licenses*
- *Changes in Information That Would Cause DMV To Issue a New License*

Remote / Non-In-Person Renewals

■ *Real ID Compliant Licenses Only*

- *Not Temporary License Holders (Foreign Nationals)*
- *Obligation to retain source documents presented by applicant and used by state as basis for issuing license*
 - *Retain for entire period of renewal*
- *Authentication of Identity of Renewal Applicant*
 - *Biometric ? (The only biometric will be the photograph & signature)*
 - *Unique Information ?*
 - *Other ?*

Renewals (2)

- *In-Person Transactions with DMV's*
 - *Initial Real ID compliant license*
 - *At least once every 16 years*
 - *New Photo*
 - *Re-verification of source documents*
 - *Information must be re-verified with issuing agency, but documents need not be re-presented*
 - *Unless state no longer retains source documents relied on to generate the license*
 - *Applies any time renew or re-issue license (duplicates)*

Renewals (3)

- *Temporary license / ID's under 202 (c) (2) (c) require in-person appearance at DMV*
 - *No remote renewal*
 - *Presented at minimum, of updated document conferring lawful status*

One - Time Exemption

- *Age and residency / pre-existing relationship with the state*
- *Persons born before 1935 (Born in 1934)*
- *Licensed driver in state for 10 years*
 - *Must have both to be Real ID exempt forever. If a ten year relationship does not exist with the state then there is no exemption. Once an exempt license is obtained, the person is exempt forever no matter what state they move to. (This is the opinion of Homeland Security and is open for discussion.)*

Common Machine Readable Technology

■ *Technologies Considered*

- *Magnetic Stripe*
- *1-D Bar Code*
- *2-D Bar Code*
- *Optical Stripe*
- *Contact Chip (Smart Card / RF)*
- *Contact-less RFID Chip*

Common Machine Readable Technology (2)

■ *Purpose*

- *DMV Use*
- *Law Enforcement*
- *Quick determination that state actually issued license*

Common Machine Readable Technology (3)

- *2-D Bar Code*
- *PDF-417 Standard*
 - *Already in use by 38 state*
 - *Mandatory data elements in 2005 American Association of Motor Vehicle Administrators (AAMVA) DL/ID card design specifications, annex D*
 - *Name*
 - *Date of birth*
 - *Address*
 - *Expiration date*
 - *Issue date*
 - *Unique identifier*
 - *Gender*
 - *Height, Eye Color*

Common Machine Readable Technology (4)

- *Optional data elements in 2-D bar code (per AAMVA annex D)*
 - *Hair Color*
 - *Place of Birth*
 - *Weight*
 - *Race*
 - *Digital photograph of license holder*
 - *Security vs. storage space*

Common Machine Readable Technology (5)

- *International Civil Aviation Organization (ICAO) 9303 travel document standard for the machine readable zone (uses about 1/3 of the back of the card using 3 lines of machine readable data codes)*
- *State can choose to employ additional technologies as long as also PDF-417 and ICAO 9303 compliant*
 - *E.g. smart cards, RF*

Common Machine Readable Technology (6)

- *Handling of information stored on the card*
 - *Encryption?*
 - *Annex D requires data to be unencrypted*
 - *Privacy groups recommend strong encryption*
 - *Need for common encryption algorithms*
 - *Key management issues*
 - *Encryption of biometrics?*
 - *Encryption of state specific information*

Address of Principal Residence

- *Must be verified with issuing agency*
 - *Sec 202 (c) (1) (d)*
 - *Definition – “Place where person has true, fixed, and permanent home and to where has the intention of returning when absent.”*
 - *Issue – No reliable comprehensive source of information to link applicant to address and / or establish address as the principal address*
 - *U.S. Postal Service*
 - *U.S. Census Bureau*
 - *State tax records ?*
 - *Google Earth ?*

Address of Principal Residence (2)

- *Issue – Cost to states of verifying multitude of documents presented to establish address*
 - *Utility bills*
 - *Leases*
 - *Mortgages*
- *Issue – How to evaluate security benefit of address given at time of application.*

Address of Principal Residence (3)

- *States to have lots of flexibility*
 - *Applicant to produce two or more documents to establish principal residence*
 - *Street address required*
 - *No P.O. Boxes or rural route numbers*
 - *American Samoa and other territories*
 - *Age of Documents*
 - *Documents issued monthly no more than 3 months old at the time of application (bank statements, utility bills, etc.)*
 - *Documents issued annually must be from the most current period (property taxes, etc)*

Address of Principal Residence (4)

- *Applicant to sign affidavit affirming that address presented is principal residence*
- *State not required to verify electronically*
- *State not required to verify with entity issuing the document unless suspicious or state decides to do so.*

Address of Principal Residence (5)

■ *Minors*

- *Parents or legal guardians could submit documentation establishing the applicants principal residence*
 - *Must submit same types of documents / proof required by state as if were the primary applicant*
 - *Present photo ID*
 - *Execute affidavit affirming that address presented is principal residence.*

Address of Principal Residence (6)

- *State laws requiring non-disclosure*
 - *Judges, prosecutors, law enforcement*
 - *Victims of domestic violence*
- *S. 1197 the Violence Against Woman Act of 2005*

Full Legal Name

- *Required by section 202 (b) (1)*
- *Name on Real ID compliant DL/ID must be identical to name shown on identity document used to obtain license*
- *Verification of documents used to change name on identity document*
 - *Marriage / Divorce*
 - *Adoption*
 - *Court order*

Full Legal Name (2)

- *ICAO 9303 Standard (with modifications)*
 - *Visible field / face of card*
 - *Roman alphabet characters required*
 - *39 characters (presently)*
 - *Standard approach for truncating longer names*
 - *Machine readable portion*
 - *Up to 175 characters*
 - *ICAO standard is 99 characters*
 - *AAMVA standard is 125 characters*
 - *Permit capture of full name history*
 - *Permit capture of multiple / lengthy names in certain cultures*
 - *Greater accuracy in identifying particular individual*
 - *Cost difference between 125 and 175 characters*

“Not Illegal to License A Terrorist”

- *Jonathan Frankel*
 - *01-17-06 3:45 P.M.*

Background Checks

- *Section 202 (d) (8) requires that states “subject all persons authorized to manufacture or produce DL/ID’s to appropriate security clearance requirements”*
- *Security Clearance v. Background Check*
- *All DMV employees and persons involved in the license manufacturing and issuance process*
 - *DMV employees*
 - *Contractors*
 - *Vendors*

Background Checks (2)

- *Exempt categories of employees ?*
 - *No direct/indirect involvement in the manufacture or production of DL/ID's*
- *Criminal Background Check*
 - *Federal Government Watch List*
 - *Credit worthiness check*
 - *Identify individuals with frequent financial crises who may be vulnerable to exploitation*
 - *Disqualifying offences*
 - *Preclude employment in covered positions*

Background Checks (3)

- *Disqualifying Offences*

- *Document fraud*
- *Alien smuggling*
- *Financial related crimes implicating trustworthiness*
- *Hazmat disqualifiers ? (Yes or no from DHS as to hire or not to hire)*
- *Treatment of individuals accused but not convicted, of disqualifying offences*
 - *Due process*
 - *Redress process*

Digital Imaging of Source Documents

- *AAMVA Digital Image Exchange Program*
 - *Exchange facial images between jurisdictions in real-time*
 - *JPEG Files*
 - *Open architecture*
 - *Applicability to documents*